

## REMARKS

### OVERVIEW

Claims 1 through 17 are currently pending in this application. Claims 15-17 are new. The present response is an earnest effort to place the application in proper form for allowance. Reconsideration is respectfully requested.

### § 102 ISSUES

The Examiner has rejected claims 1-3, 6, 9-10, and 14 under 35 U.S.C. § 102(e) as being anticipated by McFarlane et al. The Examiner cites to col. 4, lines 40-44, and col. 5, lines 44-65 of McFarlane (Office Action, page 2, numbered par. 2). The material supporting apparatus of McFarlane include a chassis 14, a feed container 22 mounted upon the chassis, and a weight sensing means 28 between the feed container 22 and the chassis 14 (col. 4, lines 22-44).

Claim 1 requires "a hopper removably mounted on the trailer, the hopper having at least one compartment for holding seeds, an auger for removing seeds from the compartment, and a plurality of legs." As this limitation is not disclosed in McFarlane, this rejection should be withdrawn. In particular, McFarlane does not disclose "an auger for removing seed from the compartment." Nor does McFarlane disclose a "removably mounted" hopper. Further, the Applicant is unclear what the Examiner is construing as "a plurality of legs" as one of the primary advantages of McFarlane over its prior art is considered to be the use of a single arm in the stabilizing means (col. 2, lines 9-16; col. 3, lines 11-14).

As claims 2, 3 and 6 depend from claim 1, these rejections should also now be withdrawn. Further, with respect to dependent claim 2, the Applicant notes that the weighing transducers of McFarlane are located at each corner between the chassis 14 and the feed container 22 (McFarlane, col. 5, lines 43-47). Figure 2 of McFarlane show the weighing

transducers 49, 51, 53, and 55 adjacent the corners, but legs are not shown. Reference numerals 72, 74, 76, and 78 are tie bolts (col. 5, lines 35-38), not legs. Therefore, claim 2 of the Applicant's invention further makes clear that McFarlane simply does not disclose claims 1 and 2.

With respect to claim 3, it becomes even clearer that the tie bolts of McFarlane cannot be legs of the claimed invention as "the hopper includes a frame extending between the legs and the load cells are mounted on the frame." Due to this configuration in claim 3, as the frame is a part of the hopper and the load cells are mounted on the frame, the hopper need not be attached to the trailer in order for the load cells to weigh the device. Therefore, for these independent reasons, claim 3 is not disclosed by McFarlane.

There is also an independent basis for allowability of claim 6. Claim 6 requires that "the weighing system is free from rotational torque when the trailer and hopper are moved by a vehicle." The McFarlane reference does not appear to provide the structure to obtain this result obtained by the structure of the device of claim 6. In particular, the weight sensing means of McFarlane is disposed between the feed container 22 and the chassis 14 (col. 4, lines 40-44). This connection is made in part with the restraining means which includes a tie bolt means extending from the chassis to the container for limiting vertical movement of the container relative to the chassis (col. 3, lines 15-17). Given this type of connection of McFarlane, it would appear that when the trailer and hopper are moved by the vehicle, the weighing system would experience forces resulting in rotational torque. Therefore, the Applicant further submits that claim 6 is patentably distinguishable from McFarlane on this basis as well.

Independent claim 9 requires "the load cells being operative when the hopper is mounted on the trailer and when the hopper is sitting on another support structure." This limitation is not

disclosed or suggested by McFarlane. The "hopper" of claim 9 is "removably mounted on the trailer." Nor is this limitation disclosed in McFarlane. McFarlane does not disclose or suggest a removably mounted hopper. Nor does McFarlane disclose or suggest that the load cells can be used to measure the weight of hopper both when the hopper is mounted on the trailer and when the hopper is sitting on another support surface. Therefore, the previous rejections to claim 9 should now be removed. As claims 10 and 14 are dependent upon claim 9, the previous rejections to these claims should also be withdrawn.

The Examiner has previously rejected claims 1-3, 6, 9-10, and 14 under 35 U.S.C. § 102(e) as being anticipated by VonMuenster. As VonMuenster does not disclose or teach the claimed invention, these rejections should also now be withdrawn. VonMuenster discloses a grain drill. The grain drill has a hopper and load cells for determining the weight of the contents of the hopper (abstract). However, VonMuenster does not disclose all the elements of claims of the present invention, and therefore any rejections based on VonMuenster should now be withdrawn.

More particularly, claim 1 requires "a hopper removably mounted on the trailer, the hopper having at least one compartment for holding seeds, an auger for removing seeds from the compartment, and a plurality of legs." VonMuenster does not have an auger. VonMuenster has tubes as it is a grain drill (col. 2, lines 37-47). Furthermore, a grain drill is nonanalogous to the present invention, as the present invention does not drill or plant seed. As VonMuenster does not disclose the present invention, this rejection should now be withdrawn. As claims 2, 3 and 6 are dependent upon claim 1, it is submitted that the previous rejections to these claims should also now be withdrawn.

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Independent claim 9 requires "a hopper being removably mounted on the trailer" and "the load cells being operative when the hopper is mounted on the trailer and when the hopper is sitting on another support surface." VonMuenster does not disclose such load cells which are operable both when the hopper is on and off the trailer, as required by claim 9. Thus, this rejection is improper and should now be withdrawn. Furthermore, Von Muenster does not even disclose or teach the "removably mounted" hopper of the present invention. As claims 10 and 14 are dependent on claim 9, the previous rejections to these claims should also now be withdrawn.

The Examiner has also rejected claims 1-3, 6, 9-10, 13, and 14 under 35 U.S.C. § 102(b) as being anticipated by Hamilton. As Hamilton does not disclose each and every element of the claimed invention, these rejections should also be withdrawn. Hamilton discloses a load mounting assembly to be used in conjunction with a supported structure (abstract). The supported structure may be a hopper which is adapted to carry grain (col. 2, line 54-56). The low bar mounting assembly includes strain gauges 40 and 42 for determining weight (col. 2, line 62-col. 3, line 25).

With regard to claim 1, Hamilton does not disclose a "hopper having . . . an auger for removing seed from the compartment, and a plurality of legs." As Hamilton does not disclose these limitations of claim 1, the previous rejections to claim 1 should now be withdrawn. As claims 2, 3 and 6 are dependent on claim 1, these rejections should also now be withdrawn.

Claim 9 requires "a hopper with at least one seed compartment and a plurality of legs for supporting the hopper" as well as "a load cell mounted adjacent each leg of the hopper" and "the load cells being operative when the hopper is mounted on the trailer and when the hopper is sitting on another support surface." Hamilton does not disclose these limitations of claim 9. As Hamilton does not disclose these elements of claim 9, the previous rejection should be

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withdrawn. As claims 10, 13, and 14 are dependent upon claim 9, these rejections should also now be properly withdrawn.

#### ISSUES UNDER 35 U.S.C. § 103(a)

The Examiner has rejected claims 4, 5, 7, 8, 11, and 12 under 35 U.S.C. § 103(a) as being unpatentable over VonMuenster. As previously explained, VonMuenster does not disclose all that the Examiner has previously alleged it to disclose. Furthermore, as previously explained, VonMuenster is nonanalogous art. Therefore, the Examiner cannot rely solely on VonMuenster and the previous rejections to claims 4, 5, 7, 8, 11, and 12 should now be properly withdrawn.

The Examiner has also rejected claims 4, 5, 7, 8, 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Hamilton. As previously explained, Hamilton does not disclose all which the Examiner has purported it to and therefore these rejections should also now be withdrawn. The Examiner should now find all claims allowable.

#### NEW CLAIMS

Claims 15-17 are new. The Applicant adds these new claims to more particularly and distinctly claim that which the Applicant regards as the invention. Claim 15 is similar to claim 1 and claim 9 except that a "chassis" is claimed instead of a "trailer" and "a weighing system mounted to the hopper capable of weighing the seed when the hopper is attached to the chassis and when the hopper is removed from the chassis" is required in the claim. The Applicant submits that new independent claim 15 should also be allowed. New claims 16 and 17 depend upon claim 15 and therefore are also allowable.

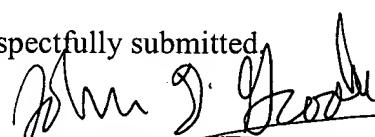
#### SUMMARY

Based upon the foregoing, Applicant respectfully submits that pending claims are all in condition for allowance at this time as they patentably distinguishable over the prior art.

Accordingly, reconsideration of the application and passage to allowance are respectfully requested.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,

  
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